

ESTTA Tracking number: **ESTTA509279**

Filing date: **12/05/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200484
Party	Plaintiff Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Correspondence Address	SETH SHAFER COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES cla@cll.com, jmn@cll.com, trademark@cll.com, rar@cll.com, sis@cll.com, mlk@cll.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Seth Shaifer
Filer's e-mail	sis@cll.com, trademark@cll.com, jmn@cll.com
Signature	/Seth Shaifer/
Date	12/05/2012
Attachments	Motion on Consent to Suspend 120512.pdf ( 3 pages )(20689 bytes )

In re Application Serial No. 77/926,242  
Filed: February 2, 2010  
For Mark: APPLES & A'S  
Published in the Official Gazette: January 4, 2011

-----X	
ATHLETICS INVESTMENT GROUP LLC D/B/A	:
THE OAKLAND ATHLETICS BASEBALL	:
COMPANY,	:
	:
Opposer,	:
	:
v.	:
	:
GARTNER STUDIOS, INC.,	:
	:
Applicant.	:
-----X	

**MOTION ON CONSENT TO SUSPENSION OF THE PROCEEDINGS  
AND TO EXTEND DISCOVERY PERIOD IF OPPOSITION IS RESUMED**

Opposer, by and through counsel, hereby moves for an order suspending the proceedings in this matter for a period of three (3) months, until **March 5, 2013**. Applicant's counsel consented to this motion, which is requested to allow the parties to continue to pursue settlement through discussions and an agreement.

Progress has been made toward a resolution of this matter. Since the last suspension, Opposer's outside counsel and Applicant's counsel have further discussed Applicant's counsel's latest comments on the draft agreement, and Opposer's outside counsel has revised the draft settlement agreement accordingly. In September 2012, Opposer's outside counsel sent the revised draft to Opposer's in-house counsel for review. Due to the Major League Baseball Playoffs and World Series and the disruptions caused by Hurricane Sandy, Opposer's in-house

counsel has not yet completed their review. The additional time is requested to allow Opposer's in-house counsel to provide comments to Opposer's outside counsel, Opposer's outside counsel to revise the agreement and forward to Applicant's counsel for review which is expected to be by the end January 2013, and for the parties to continue to pursue settlement. If accepted, the settlement agreement would resolve this matter without the need to proceed with the opposition proceedings.

In the event that the Board denies this motion, Opposer consents to an extension of time for Applicant to file an answer or otherwise respond to the Notice of Opposition until sixty (60) days after such denial.

If the Board grants this motion, the Board should also reset Applicant's time to answer or otherwise respond to the Notice of Opposition until thirty (30) days after the suspension ends. Additionally, the parties request that six months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the proceedings resume so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial periods and other periods should be reset accordingly.

Dated: New York, New York  
December 5, 2012

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: /Seth Shaifer/

Mary L. Kevlin  
Richard S. Mandel  
Seth Shaifer  
1133 Avenue of the Americas  
New York, New York 10036  
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 5, 2012, I caused a true and correct copy of the foregoing *Motion to Suspend* to be served via First Class Mail on Applicant's Correspondent and Attorney of Record, John M. Weyrauch, Esq., Dicke, Billig & Czaja, PLLC, 100 S 5th St, Ste 2250, Minneapolis, MN 55402-1235.

\_\_\_\_\_  
/Seth Shaifer/

Seth Shaifer